

Memorandum

To: Julie Dubick

From: James Ingram

Re: Section 117 and Exempting Public Safety Employees from Managed Competition

Date: July 25, 2007

The City Attorney's October 9, 2006 Report on Resolution of Intent of Managed Competition recommended the following language to clarify that the City does not intend to subject the services provided by sworn personnel to managed competition:

"BE IT RESOLVED by the Council of City of San Diego, that the City Council and Mayor hereby declare their intent that services provided by City police, fire, and lifeguard service safety members will not be subject to Managed Competition because it is not in the public interest to contract out these safety services to an independent contractor."

The Mayor and Council approved this language, and this resolution (R-301949) was passed on October 17, 2006. It would seem that since the Mayor and Council have acted, this matter has been addressed. However, there is nothing to prevent future City officials from acting in a way that may be contrary to the intent of the voters. They were told when balloting on Prop C that the measure would not subject public safety employees to managed competition. There is no way to discern whether the voters would have approved the measure had they believed otherwise, and therefore it cannot be assumed that the voters intended to allow this particular City function to be contracted out.

Proposed Language

The Subcommittee would be able to clarify this unintended consequence of Prop C by adding the following language to the Charter as Section 117(d):

"SECTION 117(d)

The services provided by City police, fire, and lifeguard service safety members will not be subject to Managed Competition."

This language would assure that the new Managed Competition provisions of the Charter do not misrepresent the intent of the voters in ratifying the Prop C amendment.